

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-13209 - APPLICANT/OWNER: J & S DIESEL SERVICE, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Private Streets use.
2. Conformance to the Conditions of Approval for Rezoning (ZON-4215) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. The private street shall be a common lot that is offered as a public utility easement (P.U.E), City of Las Vegas public sewer easement and public drainage easement to be privately maintained by the Homeowners' Association.
6. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
8. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4215 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

The request is for a Special Use Permit to allow a 40-foot wide private street for a proposed eight-lot single family residential development on 2.10 acres on the southeast corner of Dorrell Lane and Unicorn Street.

EXECUTIVE SUMMARY

Typically, the conversion to private streets within an existing residential subdivision is a Conditional Use; however, because the proposal is a new development with no existing streets, a Special Use Permit is required. The 40-foot private street is not compatible with adjacent development, and therefore denial is recommended.

BACKGROUND INFORMATION

A) Related Actions

07/07/04 The City Council approved a Rezoning (ZON-4215) from R-E (Residence Estates) Zone to R-1 (Single Family Residential). The applicant had initially requested R-2 (Medium-Low Density Residential zoning, and the Planning Commission and staff had recommended denial of this request at the June 10, 2004 Planning Commission meeting.

07/07/04 The City Council approved a Waiver of Title 18.12.160 to allow approximately 186 feet between street intersections where 220 feet is the minimum distance separation required for the subject site. The Planning Commission and staff had recommended denial of this request at the June 10, 2004 Planning Commission meeting.

06/08/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22/ar).

B) Pre-Application Meeting

06/08/06 The requirements for a Special Use Permit were explained.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.10

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Undeveloped

C) Planned Land Use

Subject Property: ML (Medium Low Density Residential District)
North: ML (Medium Low Density Residential District)
South: ML (Medium Low Density Residential District)
East: ML (Medium Low Density Residential District)
West: ML (Medium Low Density Residential District)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-1 (Single-Family Residential District)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-E (Residence Estates)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the General Plan with a ML (Medium-Low Density Residential District) designation, which allows for single family and duplex developments with up to eight units per acre. The previously approved R-1 (Single Family Residential) is consistent with the General Plan designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is not within the Rural Preservation Overlay District, but is within 330 feet of a parcel that is located within the district. Title 19.06.150C states that “For any rezoning request for vacant property that is located within three hundred thirty feet of a parcel within the Overlay District, the City Council, for good cause shown, may approve a greater density or intensity of use than that which exists within the Overlay District”.

Staff notes that the previously approved rezoning application associated with this request was approved before the city adopted its rural preservation standards.

ANALYSIS

A) *General Analysis and Discussion*

- Zoning

The purpose of the proposed R-1 (Single-Family Residential) District is to provide for the development of single-family detached dwellings in a suburban setting. The R-1 (Single-Family Residential) District is consistent with the policies of the Low Density Residential category of the General Plan.

- Use

Typically, the conversion to private streets within an existing residential subdivision is a Conditional Use; however, because the proposal is a new development with no existing streets, a Special Use Permit is required. There are no existing gated private streets in the area. The 40-foot private street is not compatible with adjacent development

- Conditions

Title 19.04.040 lists several base conditions, which are required for the approval of a Special Use Permit for Private Streets. The following is a list of the base conditions; requirements indicated by an asterisk may not be waived:

- (1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:
 - (a) The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and
 - (b) All the lots within the subdivision conform to the minimum lot size requirements of Title 19.
- (2) Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.

- (3) Access Restrictions. The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be manned twenty-four hours every day or provide an alternative means of ensuring access to the subdivision by the City and other emergency and utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device, which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph, which may not be amended without the written consent of the City.
- (4) Access Restricted Entrance Design Standards. Any private street, which has access control gates or cross arms, must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of fourteen feet in height above the road surface.
- (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used, maintained, or constructed as private streets. Also, the department may deny the creation of any other private street if it is determined that the private street would have any of the following effects:
 - (a) Negatively affect traffic circulation on public streets;
 - (b) Impair access to property either on-site or off-site to the subdivision;
 - (c) Impair access to or from public facilities including schools, parks and libraries; or
 - (d) Delay the response time of emergency vehicles.
- (6) Property Owners' Associations Required. Subdivisions developed with private streets must have a mandatory property owners' association, which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. Such documents are subject to review and approval by the City to ensure that adequate provision for maintenance has been made.
- (7) Private Street Lot. Private streets shall be constructed on property separately owned by a property owners' association. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also provide the City and protective service providers with the same right of access they would have if the streets were public streets.

- (8) Waiver of Services. The subdivision final map, property deeds and property owners association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, preparation of accident reports and other services which may not be reasonably or properly available within a particular development. All private regulatory signs shall conform to State of Nevada regulations.
- (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not waivable in connection with a Special Use Permit approval.

The proposed private street fails to meet the condition 1.a, therefore this project requires a Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

There are no existing gated private streets in the area. The 40-foot private street is not compatible with existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for the forty foot (40') wide private street within the proposed eight-lot residential subdivision.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed development will have access from Dorrell Lane, a 60-foot local street, which will provide adequate ingress/egress for the proposed single-family development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site will be subject to inspections and will not compromise public health and safety.

PLANNING COMMISSION ACTION

There was one speaker in favor of this project at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 242 by City Clerk

APPROVALS 0

PROTESTS 0